

AMENDED IN SENATE MARCH 30, 2006

SENATE BILL

No. 1276

**Introduced by Committee on Elections, Reapportionment and
Constitutional Amendments (Senators Bowen (Chair), Battin,
Murray, Poochigian, and Romero)**

February 10, 2006

An act to amend ~~Section 15101~~ *Sections 5100, 5100.5, 5101, 10703, and 15101* of the Elections Code, relating to ~~absentee ballots~~ *elections*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as amended, Committee on Elections, Reapportionment and Constitutional Amendments. ~~Absentee ballots: processing. Omnibus elections bill.~~

Existing

(1) Existing law specifies the methods for political parties to qualify to participate in primary elections and requires that an existing political party not be qualified to participate in a primary election whenever the registration of that party falls below ¹/_{15th} of 1% of the total state registration in the previous direct primary election.

Existing law also requires, upon the occurrence of each gubernatorial election, that the Secretary of State review the qualifications of each party to participate in any subsequent primary election.

This bill would revise the standards and procedures by which a political body or a political party may qualify to participate or regain qualification to participate in a primary election and would require, except as specified, that the Secretary of State review the

qualifications of each party only upon the occurrence of each gubernatorial election, as specified.

(2) Existing law requires that a special election shall be conducted to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly Member on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor, except as specified.

This bill would extend the time period for holding a special election from at least 112 days to no more than 126 days.

(3) Existing law specifies the procedures for processing absentee ballot return envelopes during the 29-day period before any election and authorizes any jurisdiction having the necessary computer capability to start processing absentee ballots on the 7th day prior to the election.

This bill would revise this authorization to apply to the 7th business day prior to the election.

Vote: majority. Appropriation: no. Fiscal committee: no-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 5100 of the Elections Code is amended*
2 *to read:*

3 5100. ~~A party is qualified to participate in any primary~~
4 ~~election under any of the following conditions: A political body~~
5 ~~that desires to qualify as a party pursuant to Chapter 1~~
6 ~~(commencing with Section 5000) or a party that desires to regain~~
7 ~~its qualification pursuant to Section 5100.5 shall meet one of the~~
8 ~~following standards on, or at any time prior to, the 135th day~~
9 ~~before the primary election for which the proposed party desires~~
10 ~~to qualify or regain qualification:~~

11 ~~(a) If at the last preceding gubernatorial election there was~~
12 ~~polled for any one of its candidates for any office voted on~~
13 ~~throughout the state, at least 2 percent of the entire vote of the~~
14 ~~state:~~

15 ~~(b) If on or before the 135th day before any primary election,~~
16 ~~it appears to the~~

17 ~~(a) The Secretary of State determines, as a result of examining~~
18 ~~and totaling the statement of voters and their political affiliations~~
19 ~~transmitted to him or her by the county elections officials, that~~

1 voters equal in number to at least 1 percent of the entire vote of
2 the state at the last preceding gubernatorial election have
3 declared their intention to affiliate with that *proposed* party.

4 ~~(e) If on or before the 135th day before any primary election,~~
5 ~~there~~

6 ~~(b) A petition is filed with the Secretary of State—a petition~~
7 ~~signed by voters, voters equal in number to at least 10 percent of~~
8 ~~the entire vote of the state at the last preceding gubernatorial~~
9 ~~election, declaring election. The petition shall declare that they~~
10 ~~those voters signing the petition represent a proposed party, the~~
11 ~~name of which shall be stated in the petition, which proposed~~
12 ~~party and that those voters desire to have that proposed party~~
13 ~~participate in that the next ensuing primary election. This petition~~
14 ~~shall be circulated, signed, verified and the signatures of the~~
15 ~~voters on it shall be certified to and transmitted to the Secretary~~
16 ~~of State by the county elections officials substantially as provided~~
17 ~~for initiative petitions. Each page section of the petition shall~~
18 ~~bear a caption in 18-point boldface type, which caption shall be~~
19 ~~that shall contain the name of the proposed party followed by the~~
20 ~~words “Petition to participate in the primary election.”~~

21 *SEC. 2. Section 5100.5 of the Elections Code is amended to*
22 *read:*

23 5100.5. (a) ~~Upon~~ *Each January immediately subsequent to*
24 *the occurrence of the gubernatorial election, each party shall*
25 *have its qualifications reviewed by the Secretary of State. A party*
26 *that does not meet the standards for qualification set forth in*
27 ~~Section 5100 subdivision (b)~~ *shall be disqualified and prohibited*
28 *from participating in any subsequent primary election unless the*
29 *party regains qualification in accordance with subdivision (c). A*
30 *party shall maintain its qualification to participate in any*
31 *subsequent primary election by complying with any of the*
32 *conditions specified in Section 5100 subdivision (b).*

33 (b) *A party shall maintain its qualification if it meets one of*
34 *the following standards:*

35 (1) *If at the last preceding gubernatorial election there was*
36 *polled for any one of its candidates for any office voted on*
37 *throughout the state, at least 2 percent of the entire vote of the*
38 *state.*

39 (2) *The Secretary of State determines, as a result of examining*
40 *and totaling the statement of voters and their political affiliations*

1 transmitted to him or her by the county elections officials, that
2 voters equal in number to at least 1 percent of the entire vote of
3 the state at the last preceding gubernatorial election have
4 declared their intention to affiliate with that party.

5 (c) (1) The Secretary of State shall immediately notify a party
6 that has been disqualified pursuant to this section of his or her
7 determination.

8 (2) A party ~~seeking qualification under provisions of this~~
9 ~~section and subdivision (b) or (c) of Section 5100~~ that has been
10 disqualified pursuant to this section and that desires to regain
11 qualification as a party shall file formal notice with the Secretary
12 of State that the party intends to regain qualification.

13 (3) A party that has been disqualified pursuant to this section
14 may regain qualification by meeting one of the standards
15 described in Section 5100.

16 ~~(e)~~

17 (4) Unless ~~formal notice as required in subdivision (b)~~ the
18 notice required in paragraph (1) is timely received by the
19 Secretary of State, he or she may have the name of the party
20 omitted from any list, notice, ballot, or other publication
21 containing the names of the parties qualified or seeking
22 qualification that the Secretary of State may cause to be printed
23 or published.

24 (d) For purposes of subdivision (b) of Section 8001, this
25 section shall only be applicable to a party that has successfully
26 obtained that status for the first time after having been a political
27 body, and shall not apply to a ~~political~~ party that has been
28 disqualified.

29 SEC. 3. Section 5101 of the Elections Code is amended to
30 read:

31 5101. ~~Whenever~~ (a) With the exception of subdivision (b),
32 the Secretary of State shall review the qualifications of each
33 party only upon the occurrence of each gubernatorial election
34 pursuant to Section 5100.5.

35 (b) If at any time the registration of any party ~~that qualified in~~
36 ~~the previous direct primary election~~ falls below one-fifteenth of 1
37 percent of the total state registration, that party shall not be
38 qualified to participate in the primary election but shall be
39 deemed to have been abandoned by the voters. The Secretary of
40 State shall immediately notify that party of his or her

1 *determination and* remove the name of the party from any list,
2 notice, ballot, or other publication containing the names of the
3 parties qualified to participate in the primary election.

4 *(c) A party that has been disqualified pursuant to this section*
5 *may regain qualification by meeting one of the standards*
6 *described in Section 5100.*

7 *SEC. 4. Section 10703 of the Elections Code is amended to*
8 *read:*

9 10703. (a) A special election to fill a vacancy in the office of
10 Representative in Congress, State Senator, or Member of
11 Assembly shall be conducted on a Tuesday at least 112 days, but
12 not more than ~~119~~ 126 days, following the issuance of an
13 election proclamation by the Governor pursuant to Section 1773
14 of the Government Code, except that any special election may be
15 conducted within 180 days following the proclamation in order
16 that the election or the primary election may be consolidated with
17 the next regularly scheduled statewide election or local election
18 occurring wholly or partially within the same territory in which
19 the vacancy exists, provided that the voters eligible to vote in the
20 local election comprise at least 50 percent of all the voters
21 eligible to vote on the vacancy.

22 (b) Except as provided in Chapter 3 (commencing with
23 Section 10730), a special election or a primary election may not
24 be conducted on the day after a state holiday.

25 ~~SECTION 4.~~

26 *SEC. 5. Section 15101 of the Elections Code is amended to*
27 *read:*

28 15101. (a) Any jurisdiction in which absentee ballots are cast
29 may begin to process absentee ballot return envelopes beginning
30 29 days before the election. Processing absentee ballot return
31 envelopes may include verifying the voter's signature on the
32 absentee ballot return envelope and updating voter history
33 records.

34 (b) Any jurisdiction having the necessary computer capability
35 may start to process absentee ballots on the seventh business day
36 prior to the election. Processing absentee ballots includes
37 opening absentee ballot return envelopes, removing ballots,
38 duplicating any damaged ballots, and preparing the ballots to be
39 machine read, or machine reading them, but under no
40 circumstances may a vote count be accessed or released until 8

1 p.m. on the day of the election. All other jurisdictions shall start
2 to process absentee ballots at 5 p.m. on the day before the
3 election.

4 (c) Results of any absentee ballot tabulation or count shall not
5 be released prior to the close of the polls on the day of the
6 election.